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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: HARIRI, Robert J.

Confirmation No.: 6313

Application No.: 10/721,144

Group Art Unit: 1636

Filed: November 23, 2003

Examiner: McGillem, Laura L.

For: CYTOTHERAPEUTICS,
CYTOTHERAPEUTIC UNITS AND
METHODS FOR TREATMENTS
USING THEM

Attorney Docket No.: 9516-495-999
CAM: 501872-999494

PRELIMINARY AMENDMENT UNDER 37 C.F.R. § 1.115

Mail Stop Amendment
Commissioner for Patents
PO BOX 1450
Alexandria, Virginia 22313-1450

Sir/Madam:

In further response to the final Office Action mailed June 27, 2007 in connection with the above-identified patent application, please consider the following remarks. In the Office Action, the Examiner rejected claims 1, 3, 5, 6 and 18 on the grounds of obviousness-type double patenting over copending U.S. Application No. 10/366,671 ("the '671 application"). Applicant submits herewith a Terminal Disclaimer over the '671 application. Although Applicant believes that no fee is due for the filing of this Amendment the Commissioner is hereby authorized to charge any fee(s) deemed due, or to refund any overpayment, to Jones Day Deposit Account No. 503013.

CONCLUSION

Applicant respectfully requests that the present remarks be made of record in the file history of the present application. An early allowance of the application is earnestly requested. The Examiner is invited to contact the undersigned with any questions concerning the application.

Respectfully submitted,

Date: November 14, 2007

By: Lawrence S. Graham Reg. No. 49,020
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